

REMARKS

In the final Office Action, the Examiner rejects claims 1-26, 34-37, and 44-54 under 35 U.S.C. § 103(a) as unpatentable over Gould et al. (U.S. Patent No. 5,960,394) in view of Douglas (U.S. Patent No. 5,875,429). The Examiner also indicates that claims 38-43 are allowable.

By way of this Amendment, Applicants propose amending claims 1, 14, 44, 45, 49, 53, and 54 to improve form. Claims 1-26 and 34-54 remain pending. Applicants appreciate the Examiner's indication that claims 38-43 are allowable.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not raise any new issues requiring further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and d) places the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

Claims 1-26, 34-37, and 44-54 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Gould et al. in view of Douglas. Applicants respectfully traverse the rejection.

Amended independent claim 1 is directed to a method of interfacing with a user, comprising a) audibly prompting a user with a first message indicating that the user may say a keyword to invoke an application and indicating that the user may stay tuned for a listing of keywords; b) waiting for a predetermined period for said user to say a keyword; c) provided said user does say a keyword during said predetermined period, automatically

recognizing said keyword and executing an application indicated by said keyword; and d) provided said user does not say a keyword during said predetermined period, audibly rendering said listing of keywords to said user and executing an application associated with a keyword spoken by said user in response to said listing. Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest a) audibly prompting a user with a first message indicating that the user may say a keyword to invoke an application and indicating that the user may stay tuned for a listing of keywords; b) waiting for a predetermined period for said user to say a keyword; and d) provided said user does not say a keyword during said predetermined period, audibly rendering said listing of keywords to said user and executing an application associated with a keyword spoken by said user in response to said listing. The Examiner relies on figures 28 and 32, and col. 26, lines 1-42 and 50-65 of Gould et al., and col. 1, lines 5-10 and 15-25, and col. 3, lines 17-20 and 40-45 of Douglas as allegedly disclosing these features. (Office Action, pp. 2 and 3). For at least the following reasons, Applicants respectfully disagree.

Col. 26, lines 1-42 and 50-65 of Gould et al. discloses:

Line 508 causes the simulated text editor used in the screens of the Tutorial shown in FIGS. 32 through 45 to be cleared. As will be explained below, when the user simulates dictation, the Tutorial will insert words into the simulated editor in a manner similar to that in which DragonDictate would insert words into a text editing program used in conjunction with it. Lines 510 are CONSOLE commands which cause the sound board 136 to respond to the microphone 122 shown in FIG. 4 and which turn on the sleep mode of the system, which causes it to ignore all words except a special wake-up command, off. Then line 512 hides the

prompt window. As will be shown in FIGS. 33 through 45, the prompt window is a window used to supply the user with text to read when simulating dictation. Next, line 514 causes the simulated editor to be shown. At this time, however, the simulated editor is empty, since no words have been entered into it.

The interpreter of the Tutorial responds to a sequence of lines, such as the lines 516, which start with " " by placing the following text in each of those lines in a window on the screen. Normally it will place such text in a message box, which is usually a long box near the center of the screen. But if there is already a message box on the screen when a sequence of lines starting with "" occurs in the lesson text, the text on those lines is placed in a help box, which is a smaller box often located in the upper left-hand corner of the screen. The sequence of lines 516 results in the display of the message box shown in FIG. 32.

The next line 518 is an EXPECTING command, stating that the program is expecting an utterance of the word "Okay". The EXPECTING command calls the Get Expected Response Subroutine 178.

FIG. 20 describes this Get Expected Response Subroutine. Its step 520 calls the Get Allowed Response Subroutine 180 shown in FIG. 21. As will be explained below, this subroutine will only return if the user responds with an allowed response; that is, either the expected response defined by the EXPECTING command calling the Get Expected Response Subroutine or a response defined in the current Events Stack. Once the Get Allowed Response Subroutine returns with the user's allowed response, step 522 returns to the EXPECTING line of the Lesson File if the user's response was the expected word. . . . [I]f, after that lesson is executed it returns to the Get Expected Response Subroutine with a "REPEAT" value, step 525 will cause the program to jump to step 520, so as to repeat the performance of the Get Expected Response Subroutine all over again.

For example, if the user says "Tutor menu" when the EXPECTING command is expecting another word, step 524 will cause a CALL to the global-mainmenu lesson in the Global Module 466B, as is indicated in the Globals section of FIG. 28. If the user does not use the Tutor menu to branch to another part of the program, but instead returns, it will return to step 525 with a "REPEAT" value. This will cause the Get Expected Response Subroutine to wait for the user to say the response expected by the EXPECTING command before returning to the line after that command in the Lesson File. This is done so that the user will not advance in the tutorial unless he or she has entered the expected response, or its equivalent. This allows the Lesson File to assume that the user has entered a given set of responses by the time it gets to a certain location in the tutorial. It also helps ensure that the tutorial gets utterances of all the words it expect.

The above sections of Gould et al. merely disclose that a series of operations set forth in lines 516 of Figs 30A and 30B produces a message box shown in Fig. 32. The message box provides a user with two operatives for execution, namely, "[okay]" to continue, and "[tutor menu]" to display the menu. Accordingly, nowhere in the above sections or elsewhere does Gould et al. disclose audibly prompting a user with a first message indicating that the user may stay tuned for a listing of keywords, as required by claim 1.

At the message box in Fig. 32, line 518 of the Gould et al. computer program (Fig. 30B) is an "EXPECTING" command, stating that the program is expecting an utterance of the word "Okay". (Col. 26, lines 29-31). However, if the user alternatively says "tutor menu," step 524 (Fig. 19) of the Gould et al. computer program accesses the tutor menu. (Col. 26, lines and 55-58). Thus, Gould et al. clearly discloses that the user must say "tutor menu," to access the tutor menu. Accordingly, nowhere in the above sections or elsewhere does Gould et al. disclose that provided said user does not say a keyword during said predetermined period, audibly rendering said listing of keywords to said user, as required by claim 1.

Douglas does not cure the above deficiencies of Gould et al. with respect to claim 1.

For at least the foregoing reasons, Applicants respectfully submit that claim 1 is patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 based on Gould et al. and Douglas.

Claims 2-13 depend from claim 1 and thus are patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination, for at least the reasons

given with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by Gould et al. and Douglas. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-13 based on Gould et al. and Douglas.

For example, claim 5, as it depends from claim 4, further includes the feature of rendering background music during said predetermined period as recited in claim 1. The Examiner relies on the soundboard 138 of Fig. 4 of Gould et al. as allegedly disclosing this feature. (Office Action, p. 5). Applicants respectfully disagree.

At the outset, as discussed above with respect to claim 1, Applicants respectfully submit that Gould et al. does not disclose waiting for a predetermined period for said user to say a keyword, as required by claim 1. Furthermore, with respect to claim 5, nowhere in Gould et al. is rendering music even mentioned, much less disclosed. Douglas does not cure the deficiencies of Gould et al. in this respect.

For at least in these additional reasons, Applicants respectfully submit that claim 5 is patentable over Gould et al. and Douglas.

Amended independent claim 14 recites feature similar to (yet, possibly of different scope then) features described above with respect to claim one. Therefore, claim 14 is patentable over Gould et al. and Douglas for at least reasons similar to reasons set forth above with respect to claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 14 based on Gould et al. and Douglas.

Claims 15-26 depend from claim 14, and thus are patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Independent claim 34 is directed to a method of providing information to a user. The method comprises a) entering a general mode of operation within said audio user interface wherein a user can interrupt said computer system by uttering keywords at any time; b) in response to said user saying a keyword that invokes a content delivery option, audibly rendering a message informing said user that content delivery can be interrupted by uttering a special word; c) playing an audio content to said user; d) during step c), entering a special mode of operation wherein said audio content is interrupted only if said user says said special word and otherwise ignoring user utterances during said playing of said audio content; and e) resuming said general mode of operation upon completion of said audio content. Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest c) playing an audio content to said user; d) during step c), entering a special mode of operation wherein said audio content is interrupted only if said user says said special word and otherwise ignoring user utterances during said playing of said audio content. The Examiner relies on col. 25, lines 39-34 of Gould et al. as allegedly disclosing these features. For at least the following reasons, Applicants respectfully disagree.

Col. 25, lines 39-44 of Gould et al. discloses:

The Tutor Menu can also be accessed at any time when using the Tutorial Program by saying "Tutor menu", as is indicated in the Globals section 472 of the Event Stack in FIG. 28. This enables the user to selectively move to, or skip over, individual chapters as desired.

This section of Gould et al. merely discloses that a user may access the tutor menu at any time during a tutorial program by saying "tutor menu." Moreover, Globals section 472 of the Event Stack in Fig. 28 appears to indicate that the voice console can be accessed during the tutorial program by the user uttering "voice console." Accordingly, nowhere in this section or elsewhere does Gould et al. disclose c) playing an audio content to said user; d) during step c), entering a special mode of operation wherein said audio content is interrupted only if said user says said special word and otherwise ignoring user utterances during said playing of said audio content, as required by claim 34.

For at least the foregoing reasons, Applicants respectfully submit that claim 34 is patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 34 based on Gould et al. and Douglas.

Claims 35-37 depend from claim 34 and thus are patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 34. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 35-37 based on Gould et al. and Douglas.

Amended independent claim 44 is directed to a method for providing an audio user interface, comprising a) receiving a user utterance; b) processing said user utterance using automatic voice recognition processes; c) if said user utterance is a mismatch,

entering a first process to determine if conditions exist that are likely to lead to poor voice recognition, wherein said first process comprises determining said conditions exist if a predetermined number of mismatched utterances are received in a row; and d) if said conditions do not exist then re-prompting said user with an audible prompt and repeating steps a) - c), otherwise, entering a second process to provide services and audible user suggestions directed at raising the likelihood of receiving commands and data from said user. Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest if said user utterance is a mismatch, entering a first process to determine if conditions exist that are likely to lead to poor voice recognition, wherein said first process comprises determining said conditions exist if a predetermined number of mismatched utterances are received in a row, as required by claim 44. The Examiner relies on col. 26, lines 50-54; col. 19, lines 6-32; and col. 70 – col. 80, line 15 of Gould et al. as allegedly disclosing “repeating the same sense of waiting for a keyword, and if no keyword is supplied, providing a list of new keywords/possibilities or trying to execute the command if it is a keyword.” (Office Action, p. 4). Applicants respectfully submit that nowhere in the cited sections or elsewhere does Gould et al. disclose or suggest determining said conditions exist if a predetermined number of mismatched utterances are received in a row.

For at least the foregoing reasons, Applicants respectfully submit that claim 44 is patentable over Gould et al. and Douglas, whether taken alone or in any reasonable

combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 44 based on Gould et al. and Douglas.

Claims 45-52 depend from claim 44 and thus are patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 44. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 45-52 based on Gould et al. and Douglas.

Independent claim 53, is directed to a method for providing an audio user interface, comprising a) on receiving a call over a telephone gateway, using an Automatic Number Information (ANI) of said call to determine if said call is a wireless phone call; b) provided said call is a wireless phone call, raising a barge-in threshold; c) detecting a user utterance when sounds of said call exceed said barge-in threshold; d) processing said user utterance using automatic voice recognition processes; e) if said user utterance is a mismatch, entering a first process to determine if conditions exist that are likely to lead to poor voice recognition; and f) if said conditions do not exist, then re-prompting said user with an audible prompt and repeating steps c) - e), otherwise, entering a second process to provide services and audible user suggestions directed at raising the likelihood of receiving commands and data from said user. Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, Gould et al. and Douglas, whether taken alone or in any reasonable combination, do not disclose or suggest a) on receiving a call over a telephone gateway, using an Automatic Number Information (ANI) of said call to determine if said call is

using a wireless phone; b) provided said call is using a wireless phone, raising a barge-in threshold, as required by claim 53. The Examiner does not address these features.

Applicants respectfully submit that nowhere in Gould et al. is receiving a call over a telephone gateway, using an Automatic Number Information (ANI) of said call to determine if said call is using a wireless phone even mentioned, much less disclosed.

Douglas does not cure the deficiencies of Gould et al. in this respect.

For at least the foregoing reasons, Applicants respectfully submit that claim 53 is patentable over Gould et al. and Douglas, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 53 based on Gould et al. and Douglas.


Amended independent claim 54, for example, recites feature similar to (yet, possibly of different scope then) features described above with respect to claim 53. Therefore, claim 54 is patentable over Gould et al. and Douglas for at least reasons similar to reasons set forth above with respect to claim one. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 54 based on Gould et al. and Douglas.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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